FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

LETTERS PATENT APPEAL NO.18/2007

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM:- D.D. SINHA &
A.B. CHAUDHARI, JJ.
DATED :- 09.02.2007.

Heard Shri M.M. Agnihotri, learned Counsel for the appellant, Shri M. Sudame, learned Counsel for respondent No.4.

This Letters Patent Appeal is directed against the order passed by the learned Single Judge dated 11.12.2006, whereby the writ petition filed by the appellant came to be dismissed on the ground that the information received by respondent No.4 from the Accounts Officer of Education Department under Right to Information Act, in which it is mentioned that the accounts of the petitioner have not been audited from the year 1998-99 till 2004-05. It is also observed in the order that the steps taken by present respondent Nos.1 to 3 are in the interest of Public trust, and therefore, there is no reason to cause any prejudice to the petitioner on this count.

Shri Agnihotri, learned Counsel for the appellant has contended that respondent No.4 cannot be treated to be a person interested in the affairs of the Public Trust, and therefore, cannot be given access to the accounts of the Public Trust by the Joint Charity Commissioner. It is further contended that since respondent No.4 is not connected with the affairs of the Trust, the order dated 7.2.2005 as well as 2.9.2006 passed by the Deputy Charity Commissioner were not sustainable in law, and therefore, the writ petition was filed before the learned Single Judge impugning these orders. It is further contended that so far as the accounts of the Trust are concerned, they are audited as per the requirements.

Shri Sudame, learned Counsel for respondent No.4 on the other hand supported the impugned order on the ground that by allowing respondent No.4 to inspect the record of the Public Trust, no prejudice as such can be said to be caused to the appellant, and therefore, the order impugned is sustainable in law.

We have considered the contentions canvassed by the respective Counsel. Perused the impugned order passed. Perusal of the impugned order does not show that the learned Single Judge has either adjudicated the issue one way or the other, which is involved in the complaint of which the cognizance is already taken by the Deputy

Charity Commissioner filed by respondent No.4.

In that view of the matter, we see no reason to show any indulgence in the Letters Patent Appeal, and hence, the same is dismissed. However, we expect the Deputy Charity Commissioner to conclude the proceedings of the complaint at its earliest.

JUDGE **JUDGE**

ssw